

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

TERRY WAYNE BOWLIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-09-1349-D
	)	
EVERETTE VAN HOESEN, Kay County	)	
Sheriff; <i>et al.</i>	)	
	)	
Defendants.	)	

**ORDER**

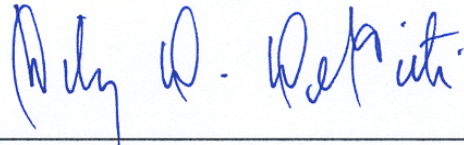
This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Valerie K. Couch pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). After a thorough and comprehensive analysis, Judge Couch recommends that summary judgment be granted to Defendants Everette Van Hoesen and Stephanie Ringgold on all claims in Count I of the Complaint under 42 U.S.C. § 1983, that the claims raised in Counts II and III be dismissed without prejudice pursuant to 42 U.S.C. § 1997e(a), and that the action against Defendants identified as “5 Unknown County Commissioners” be dismissed pursuant to Fed. R. Civ. P. 4(m) or 28 U.S.C. § 1915(e)(2)(B)(ii). Judge Couch also recommends that Plaintiff’s motion for appointment of counsel be denied.

Plaintiff has not filed a timely objection to the Report nor requested additional time to object, although he was expressly advised of the right to object, the procedure and deadline for filing an objection, and the consequences of failing to object. Therefore, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 35] is ADOPTED in its entirety. The Motion for Summary Judgment of Defendants Everette Van Hoesen and Stephanie Ringgold [Doc. No. 28] is GRANTED as follows: The movants are entitled to summary judgment on all claims asserted in Count I of the Complaint and to dismissal without prejudice of all other claims for lack of administrative exhaustion. Any action against "5 Unknown County Commissioners" is dismissed without prejudice pursuant to Rule 4(m). Judgment shall be entered accordingly.

IT IS FURTHER ORDERED that Plaintiff's Motion for Court Appointed Counsel [Doc. No. 32] is DENIED.

IT IS SO ORDERED this 22<sup>nd</sup> day of April, 2011.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE